

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VARIANT HOLDINGS, LLC, et al.,
Plaintiffs,

V.

Z RESORTS LLC D/B/A HOTEL ZAZA,
et al.,
Defendants.

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CAUSE NO. 2:11-CV-290-JRG

ORDER

Before the Court are Defendant Nextag, Inc.'s ("Nextag") Motion to Sever and Transfer (Dkt. No. 69) and Defendant Yelp! Inc.'s ("Yelp") Renewed Motion to Sever and Transfer (Dkt. No. 85). Nextag and Yelp urge this Court to sever them from the other Defendants in this case on the grounds of misjoinder according to Rules 20 and 21 of the Federal Rules of Civil Procedure. Nextag and Yelp also seek transfer of such severed claims to the Northern District of California. After careful consideration of the parties' written submissions and oral argument of counsel, the Court hereby **GRANTS** both motions. Variant's claims against Nextag and Yelp are improperly joined under Rule 20 in view of the Federal Circuit's *In re EMC* opinion and a fair evaluation of the 28 U.S.C. § 1404(a) transfer factors shows that, within this factual context, the Northern District of California is a clearly more convenient forum than the Eastern District of Texas for the severed claims.

Accordingly, the clerk is directed to **SEVER** the claims against Nextag and Yelp into individual causes of actions. Such severed actions are hereby **ORDERED** transferred to the Northern District of California. This Order only applies to Nextag and Yelp. The *Markman* hearing currently scheduled for March 26, 2013 will proceed as planned with regard to all parties remaining in this action.

So ORDERED and SIGNED this 13th day of March, 2013.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE